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UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

CHARLES ISELEY,
Plaintiff

vs.

W.CONWAY BUSHEY, et al.,
Defendants

No. 1:CV-00-0577

(Judge Kane)

FILED
HARRISBURG, PA

DEC -4 2001

MARY E. D'ANDREA, CLERK
For Deputy Clerk

ORDER

BACKGROUND

Plaintiff, Charles Iseley, a prisoner confined at the State Correctional Institution, Huntingdon, Pennsylvania, filed this civil rights action pursuant to 42 U.S.C. § 1983, alleging numerous violations of his First, Eighth, and Fourteenth Amendment rights, while he was incarcerated at various Pennsylvania state correctional institutions.

On June 1, 2001, the defendants filed a motion for summary judgment. (Doc. No. 87). Defendants filed a brief in support of their motion on June 15, 2001. (Doc. No. 92). Plaintiff's request for an extension of time was granted. (Doc. No. 100). Plaintiff's brief was due on November 19, 2001. Although plaintiff's brief in opposition to the motion is now long overdue, plaintiff has neither made an appropriate filing nor requested an extension of time in which to do so. We will again direct plaintiff to file a brief in opposition. M.D. Pa. Local Rule 7.6.¹

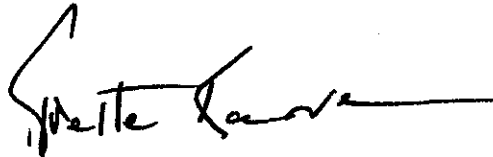
1. M.D. Pa. Local Rule 7.6, requires an opposing party to file a brief in opposition to a motion within fifteen (15) days after service of the movant's brief. See M.D. Pa. Local Rule 7.6.

Generally, a dispositive motion may not be granted merely because it is unopposed. However, when a plaintiff fails to prosecute or comply with a court order, the court may dismiss the action pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

We will consider dismissing this case for failure to prosecute and comply with a court order under the authority of Rule 41(b) if plaintiff fails to oppose the motion or otherwise communicate with the court within twenty (20) days of the date of this order.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

Plaintiff shall file within twenty (20) days of the date hereof a brief in opposition to defendants' motion. If plaintiff fails to file a brief in opposition, we will consider dismissing plaintiff's complaint pursuant to Rule 41(b) for failure to prosecute and comply with a court order.



YVETTE KANE
United States District Judge

Dated: _____

3 Dec 01

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

* * MAILING CERTIFICATE OF CLERK * *

December 4, 2001

Re: 1:00-cv-00577 Iseley v. Bushey

True and correct copies of the attached were mailed by the clerk
to the following:

Charles Iseley
SCI-Huntingdon
AM-9320
1100 Pike St.
Huntingdon, PA 16654

Maryanne M. Lewis, Esq.
Office of the Attorney General
15th Floor, Strawberry Square
Harrisburg, PA 17120

cc:

Judge

Magistrate Judge

U.S. Marshal

Probation

U.S. Attorney

Atty. for Deft.

Defendant

Warden

Bureau of Prisons

Ct Reporter

Ctroom Deputy

Orig-Security

Federal Public Defender

Summons Issued

Standard Order 93-5

Order to Show Cause

Bankruptcy Court

Other

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Pro Se Law Clerk

INS

Jury Clerk

with N/C attached to complt. and served by:
U.S. Marshal () Pltf's Attorney ()

with Petition attached & mailed certified mail
to: US Atty Gen () PA Atty Gen ()
DA of County () Respondents ()

MARY E. D'ANDREA, Clerk

12-4-01

